

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 17-2010 CR

Caption [use short title]

Motion for: Voluntary Withdrawal of Appeal

Set forth below precise, complete statement of relief sought:

Defendant-appellant Lumiere respectfully requests leave
of this Court to withdraw his pending appeal pursuant to
Local Rule 42.2.

United States of America v. Lumiere

MOVING PARTY: Defendant-appellant Stefan Lumiere

OPPOSING PARTY: USA

☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/Respondent

MOVING ATTORNEY: Jeffrey Einhorn, Esq.

OPPOSING ATTORNEY: Joshua Naftalis, Esq.

[name of attorney, with firm, address, phone number and e-mail]

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One St. Andrew's Plaza

New York, New York 10017

New York, New York 10007

(212) 581-1001; einhorn@jeffreylightman.com

(212) 637-2310; joshua.naftalis@usdoj.gov

Court- Judge/ Agency appealed from: SDNY / Hon. Jed S. Rakoff

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☐ No☒ Don't KnowFOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No If yes, enter date:

Signature of Moving Attorney:

Jeffrey Einhorn

Date: 10-10-2017

Service by: ☒ CM/ECF☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA,

Appellee,

No. 17-2010

-v.-

**MOTION TO DISMISS
APPEAL**

STEFAN LUMIERE,

Defendant-Appellant.

-----X

JEFFREY EINHORN, an attorney admitted to practice before this Court,
declares the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I represent Stefan Lumiere, the defendant-appellant in the above-captioned appeal.
2. Pursuant to Local Rule 42.2 and together with Defendant-Appellant Stefan Lumiere's attached statement, I hereby move to voluntarily dismiss the above-captioned appeal.
3. I have explained to the defendant-appellant the effect of this request, and Mr. Lumiere understands and desires to withdraw and voluntarily dismiss his appeal.

WHEREFORE, for the reasons stated herein, I respectfully request that Defendant-Appellant Stefan Lumiere's appeal be dismissed.

Dated: New York, New York
October 10, 2017

_____/s/_____
JEFFREY EINHORN

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

-----X
UNITED STATES OF AMERICA,

Appellee,

No. 17-2010

-v.-

DECLARATION

STEFAN LUMIERE,

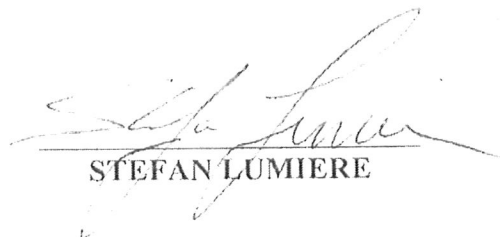
Defendant-Appellant.

-----X

STEFAN LUMIERE, hereby declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury that the following is true and correct:

1. I am the defendant-appellant in the above-captioned appeal and I am aware of the facts and circumstances therein.
2. Together with my attorney's motion, I hereby request that my direct appeal be voluntarily dismissed pursuant to Local Rule 42.2.
3. My attorney has explained to me the effect of voluntarily dismissing my appeal and I understand his explanation; as such, I desire to withdraw and have the above-captioned appeal dismissed.

Dated: New York, New York
September 6, 2017


STEFAN LUMIERE